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3 Firm No. 14000

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13 Attorneys for Plaintiff

FILED  
9-25-09 8:00 am  
MICHAEL K. JEANES, Clerk  
By L. Muhammad  
Deputy

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
12 IN AND FOR THE COUNTY OF MARICOPA

13 THE STATE OF ARIZONA ex rel. TERRY  
14 GODDARD, the Attorney General, and THE  
15 CIVIL RIGHTS DIVISION OF THE ARIZONA  
16 DEPARTMENT OF LAW,

17 Plaintiff,

18 vs.

19 UNIQUE HAIR ARTISTRY, INC. d/b/a  
20 TEAZZE SALON; and ANTHONY R.  
21 ZACCHINI, in his official capacity as Officer  
22 and Director of Unique Hair Artistry, Inc.,

23 Defendants.

No. CV2009-013069

CONSENT JUDGMENT

(Assigned to Hon. Joseph Heilman)

24 Plaintiff, the State of Arizona, through Attorney General Terry Goddard and the Civil  
25 Rights Division (collectively "the State"), filed this action against Defendants Unique Hair  
26 Artistry, Inc., an Arizona corporation d/b/a Teazze Salon, and Anthony R. Zacchini, in his

1 official capacity as Officer and Director of Unique Hair Artistry, Inc., alleging that they  
2 engaged in employment discrimination based on sex toward their employee, Kerri Duggan, in  
3 violation of the Arizona Civil Rights Act ("ACRA"), A.R.S. § 41-1461 *et seq.* Defendants  
4 have ceased operating the Teazze Salon or any other business in the State of Arizona.

5 The State and Defendants desire to resolve the issues raised by the Complaint without  
6 the time, expense and uncertainty of further contested litigation. The parties expressly  
7 acknowledge that this Consent Judgment is the compromise of disputed claims, that Defendants  
8 deny liability, and that there has been no adjudication of any claim. Without admitting any  
9 liability for the claims made in the Complaint filed in this matter, Defendants agree to be bound  
10 by this Consent Judgment and not to contest that it was validly entered into in any subsequent  
11 proceeding to implement or enforce its terms. The parties therefore have consented to the entry  
12 of this Consent Judgment, waiving trial, findings of fact, and conclusions of law.

13 It appearing to the Court that entry of this Consent Judgment will further the objectives  
14 of the ACRA, and that the Consent Judgment fully protects the parties and the public with  
15 respect to the matters within the scope of this Consent Judgment.

16 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**  
17 **as follows:**

18 **JURISDICTION**

19 1. This Court has jurisdiction over the subject matter of this action and over the  
20 parties, and venue in Maricopa County is proper. The allegations of the Complaint, if proved,  
21 are sufficient to state a claim upon which relief could be granted against Defendants under the  
22 ACRA.

23 **RESOLUTION OF THE COMPLAINT**

24 2. This Consent Judgment resolves all issues and claims set forth in the State's  
25 Complaint filed in this case and issues and claims, whether known or unknown, that were  
26 required to be raised, or that could have been raised, under the Arizona Civil Rights Act with



1 respect to the administrative employment discrimination charge filed against Teazze Salon and  
2 Unique Hair Artistry, Inc. by Kerri Duggan.

3 **NO RETALIATION**

4 3. Defendants will not retaliate against Kerri Duggan or against any person in any  
5 way for that person's opposition to a practice made unlawful by the Arizona Civil Rights Act or  
6 for their participation in the State's administrative proceedings or litigation.

7 **TRAINING**

8 4. Defendant Anthony R. Zacchini ("Zacchini") shall within ninety (90) days from  
9 the date of entry of this Consent Judgment undergo a minimum of two (2) hours of training,  
10 from a qualified trainer pre-approved by the State, regarding equal employment opportunity  
11 under the Arizona and Federal Civil Rights Act with emphasis on sexual harassment issues.  
12 Within ten (10) days of completion of the training, Zacchini shall report to the State in writing  
13 that he has completed the training. The report shall include: (a) the date of the training; (b) the  
14 duration of the training; (c) the name and title of the person(s) who conducted the training; and  
15 (d) a copy of the training outline or course content.

16 **POLICY CHANGES**

17 5. Should Defendants Anthony R. Zacchini and/or Unique Hair Artistry, Inc.  
18 operate, manage or have an ownership interest in any business(es) in the State of Arizona at any  
19 time within three (3) years from the date of entry of this Consent Judgment, they shall: (a)  
20 enact, publish and adhere to policies that prohibit employment discrimination based upon race,  
21 national origin, color, disability, sex, religion, genetic testing and/or age, in accordance with the  
22 Arizona Civil Rights Act and federal employment laws, and that prohibit retaliation against any  
23 employee or applicant for employment for engaging in protected activity under the Arizona  
24 Civil Rights Act and federal employment laws, including opposing any practice which is  
25 unlawful under these laws or making a charge, testifying, assisting or participating in the  
26 administrative process of the Office of the Arizona Attorney General Civil Rights Division



1 and/or the Equal Employment Opportunity Commission; (b) within ten (10) days of their first  
2 date of operation, management and/or ownership of such business(es), provide the State with  
3 copies of their policies prohibiting employment discrimination and retaliation for the State's  
4 approval; and (c) include in such policies: (i) a commitment to the anti-discrimination and anti-  
5 retaliation provisions; (ii) a process by which a person can internally complain of alleged  
6 discrimination and/or retaliation that does not require any complaint to be in writing, and does  
7 not require an employee or candidate for employment to report the alleged discrimination  
8 and/or retaliation to the person alleged to have discriminated and/or retaliated against the  
9 employee or candidate; (iii) the job title(s) of the employee(s) responsible for accepting  
10 complaints of discrimination and/or retaliation; and (iv) a statement that discrimination and/or  
11 retaliation in employment violates state and federal civil rights laws.

12 6. The State shall review Defendant(s)' proposed policies to ensure that they comply  
13 with the Arizona Civil Rights Act and this Consent Decree. Within ninety (90) days after the  
14 State's approval of Defendant(s)' policies, Defendant(s) shall: (a) adopt and adhere to the  
15 policies; and (b) publish and distribute the policies to all of Defendant(s)' employees, agents  
16 and independent contractors.

#### 17 **MONETARY RELIEF FOR AGGRIEVED PARTY**

18 7. Defendants represent they have entered into a separate settlement agreement  
19 with Kerri Duggan as to which the State is not a party. As part of the separate settlement  
20 agreement and in order to resolve the State's Complaint, Defendants shall pay Kerri Duggan  
21 the sum of one thousand five hundred dollars (\$1,500.00) on or before September 30, 2009.

#### 22 **MONITORING AND ENFORCING CIVIL RIGHTS LAW**

23 8. The parties shall bear their respective attorneys' fees and costs incurred in this  
24 action up to the date of entry of this Consent Judgment. In any action brought to assess or  
25 enforce Defendants' compliance with the terms of this Consent Judgment, the Court in its  
26 discretion may award reasonable attorneys' fees and costs to the prevailing party.



1                   **CONTINUING JURISDICTION OF THE COURT**

2           9.     The Court shall retain jurisdiction over both the subject matter of this Consent  
3 Judgment and the parties for a period of three (3) years from entry of the Consent Judgment to  
4 effectuate and enforce this Consent Judgment. The State may, for good cause shown, petition  
5 this Court for compliance with this Consent Judgment at any time that the Court maintains  
6 jurisdiction over this action. In the event that any of the Defendants fail to comply with the  
7 requirements of this Consent Judgment, the parties will engage in good faith efforts to resolve  
8 the delay. If, however, the good faith efforts to resolve the Defendants' alleged failure to  
9 comply are unsuccessful, the State may petition the Court to seek compliance with this Consent  
10 Judgment. For purposes of this paragraph, good faith efforts shall mean that the State shall  
11 notify the Defendants in writing of the alleged failure to comply with the specific requirements  
12 of the Consent Judgment. Defendants shall have fifteen (15) days to respond in writing and to  
13 reach agreement with the State to cure any alleged failure to comply with this Consent  
14 Judgment. If, however, the good faith efforts to resolve the alleged failure to comply are  
15 unsuccessful, the State may petition the Court to seek compliance with the Consent Judgment.  
16 Should the Court determine that Defendants or any of them have not complied with this  
17 Consent Judgment, appropriate relief, including but not limited to extension of this Consent  
18 Judgment for such period as may be necessary to remedy the non-compliance may be ordered.  
19 In the event the State does not petition for compliance with the Consent Judgment or the Court  
20 determines that Defendants are in compliance, this Consent Judgment shall expire by its own  
21 terms at the end of three years from the date of entry of this Consent Judgment, without further  
22 action of the parties.

23                   **MISCELLANEOUS PROVISIONS**

24           10.    This Consent Judgment shall be governed in all respects whether as to validity,  
25 construction, capacity, performance or otherwise by the laws of the State of Arizona.  
26

1 11. Defendants' obligations under this Consent Judgment shall be binding upon  
2 Defendants' assigns, successors, successors-in-interest, receivers, trustees in bankruptcy,  
3 personal representatives, and agents.

4 **NOTICE**

5 12. When this Consent Judgment requires the submission of documents to the State  
6 pursuant to sections 4, 5, 6, 7, 8, 9, 10, or 11, including policies, reports, notices or other  
7 materials, they shall be mailed to: Sandra R. Kane, Assistant Attorney General, Office of the  
8 Attorney General, 1275 W. Washington Street, Phoenix, Arizona 85007, or her successor(s).

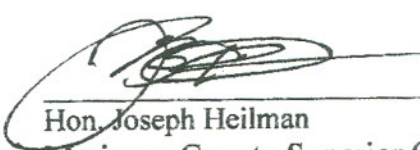
9 **MODIFICATION**

10 13. There shall be no modification of this Consent Judgment without the written  
11 consent of Defendants and the State and the further order of this Court. In the event of a  
12 material change of circumstances, the parties agree to make a good faith effort to resolve this  
13 matter. If the parties are unable to reach agreement, either party may ask the Court to make  
14 such modifications as are appropriate.

15 **EFFECTUATING DECREE**

16 14. The parties agree to the entry of this Consent Judgment upon final approval by  
17 the Court. The effective date of this Consent Judgment shall be the date that it is entered by the  
18 Court.

19 ENTERED AND ORDERED this 22<sup>nd</sup> day of September, 2009.

20  
21  
22   
Hon. Joseph Heilman  
Maricopa County Superior Court

23 The foregoing instrument is a full, true and  
24 correct copy of the original document.

25 Attest Sept 25 20 09

26 MICHAEL K. JEANES, Clerk of the Superior  
Court of the State of Arizona, in and for the  
County of Maricopa.

By L. Muhammed Deputy

**CERTIFIED COPY**





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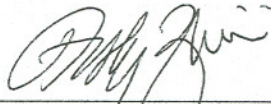
**CONSENT TO JUDGMENT**

1. I, Anthony R. Zacchini, acknowledge that I have read the foregoing Consent Judgment, and that I am aware of my right to a trial in this matter and have waived that right.

2. I agree to the jurisdiction of the Court, and consent to entry of this Consent Judgment.

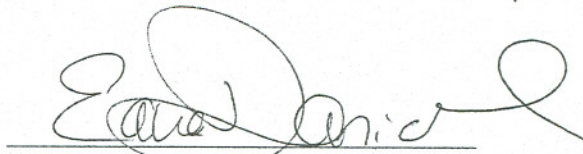
3. I hereby state that no promise of any kind or nature whatsoever (other than the terms of this Consent Judgment) was made to induce me to enter into this Consent Judgment, that I have entered into this Consent Judgment voluntarily, and that this Consent Judgment constitutes the entire agreement between the Defendants and the State.

4. I further state that I have been represented by counsel in this case, and that the terms of this Consent Judgment have been explained to me to my satisfaction, and are fully understood by me.

  
\_\_\_\_\_  
Anthony R. Zacchini

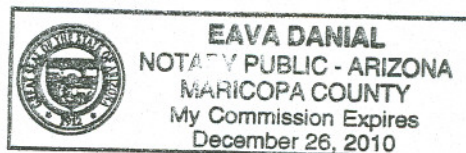
State of Arizona     )  
                              ) SS.  
County of Maricopa )

SUBSCRIBED AND SWORN to before me this 15<sup>th</sup> day of Sept., 2009,  
by Anthony R. Zacchini.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

12/26/2010





1 APPROVED AS TO FORM AND SUBSTANCE

2  
3 TERRY GODDARD  
4 Attorney General

5 9-21-09

6 Date

By

  
Sandra R. Kane

Ann Hobart

Assistant Attorneys General

Civil Rights Division

1275 W. Washington Street

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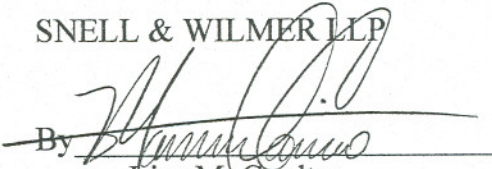
Attorneys for Plaintiff

11 SNELL & WILMER LLP

12  
13 9/18/09

14 Date

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18 #540524v2